

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD/SN)

This document relates to: *Estate of John P. O'Neill, Sr., et al. v. Al Baraka Investment & Development Corp. et al.*, 04-cv-1923 (GBD) (SN) (S.D.N.Y.)

**AFFIDAVIT OF JOHN P. O'NEILL, JR.  
IN SUPPORT OF MOTION FOR CLASS CERTIFICATION**

STATE OF MARYLAND

COUNTY OF

*Hartford* ) ss.:

John P. O'Neill, Jr., being duly sworn, deposes and says:

1. I submit this Affidavit in support of Plaintiffs' Motion for Class Certification and seek to be appointed as Class Representative in my capacity as a child of a 9/11 victim and the administrator of a 9/11 victim's estate.
2. I am the son of John P. O'Neill, Sr. who was killed in the World Trade Center on September 11, 2001. I was appointed administrator of my father's estate shortly after his death.<sup>1</sup> I requested to be named in the original Complaint as Class Representative both in my individual capacity as a child of a 9/11 victim, and in my capacity as administrator to my father's estate.
3. My father, John P. O'Neill, Sr., served his country for twenty-five (25) years before being murdered on September 11, 2001. He had retired from the Federal Bureau of

<sup>1</sup> My family is currently in the process of seeking the appointment of my mother, Christine I. O'Neill, as administrator of my father's estate. We are presently awaiting the Surrogate Court's action on our uncontested request.

Investigation (“FBI”) not more than a month before starting his position as Chief of Security at the World Trade Center.

4. Prior to becoming Chief of Security for the World Trade Center, my father was employed by the FBI for twenty-five (25) years. He had posts in Maryland, Washington D.C., Chicago, and New York. He started at the Bureau as a clerk while attending college. Following graduation, he became a Special Agent. He became Chief of the Counterterrorism Section at FBI Headquarters and rose to be the Special Agent in Charge of the National Security Division at the Bureau’s New York Field Office. This position encompassed being in charge of all counter-terrorism and counter-espionage cases at the Bureau’s flagship office. During his tenure, my father worked on the apprehension and prosecution of Ramzi Yousef, and investigations into the terrorist attacks in Saudi Arabia (Khobar Towers), Kenya and Tanzania (the Embassy Bombings), on the U.S.S. Cole, as well as the investigation into TWA Flight 800.

5. I was four (4) years old when my father began his career at the FBI. He began traveling frequently when he was assigned to the Inspection staff. I was, for the most part, in constant communication with my dad. Although usually far away, his presence always felt close. I was used to my dad being away from home when he traveled, but I was devastated when I learned that he would never come home again.

6. He made it a priority to be home for every birthday, holiday, and major life event. My dad attended my high school and college graduation and my wedding in 1997. In May 2001, my wife and I welcomed our first child into the world. In August 2001, my father visited from New York to meet our son for the first time. This was the last time I saw my father and the first and last time my father saw his first grandchild.

7. I was twenty-nine (29) when my father died. Since then, my wife and I have had another child, watched our boys grow into young adults, and recently sent our oldest to college. My boys will only know my father through stories and pictures.

8. On the morning of September 11, 2001, I was aboard what I believe was the last Amtrak train to enter New York City that day. I was traveling to visit my father to both celebrate my 29th birthday and discuss a potential job opportunity with him. Just days before, he had started his role as the head of security at the World Trade Center, and we planned to spend the day together at his workplace.

9. Before stopping in Newark, New Jersey, I overheard a passenger on their cell phone stating a plane had hit the World Trade Center. I wrote it off thinking it was an accident until I overheard discussions of a second plane hitting the second tower. After leaving Newark, I saw a plume of smoke rising from the Towers.

10. My father had planned to pick me up from Pennsylvania Station (“Penn Station”) that day. Amid the crisis, he was able to pick up my call. He told me to take a cab from Penn Station and head downtown to meet him at the towers. That was the last conversation I ever had with my father.

11. There were no cabs to be found at Penn Station. Not knowing my way around New York City, I asked someone for directions. I ran downtown and saw the first tower fall while standing outside with hundreds of medical personnel at St. Vincent’s hospital. I rushed further south.

12. I ran past the First Precinct, located a few blocks north of the World Trade Center, when I saw the second tower collapse. I was engulfed in the toxic cloud and covered in dust and debris. A police officer stopped me and told me to wait near the First Precinct. He said

that was where my father would come looking for me. I waited in the park across from the precinct covered in dust as the cloud engulfed lower Manhattan.

13. The 9/11 attacks are part of American history and children now learn about it in school. Trying to explain a nonsensical event like 9/11 to a child is difficult. Having to explain to my two sons that their grandfather was killed at the World Trade Center on that day is unfathomable. I am sure that other class members who lost a parent that day have had the same impossible and painful conversations with their children.

14. I am extremely proud of my father. He had a constant willingness to help others in all circumstances and took great pride in serving and protecting our country. One of my fondest memories of my father was watching him save a life. During a soccer game of mine, a child seeking shelter under a tree was struck by lightning and not breathing. My father and two others performed CPR to revive him. It was amazing as a little boy to watch, and as an adult to recount, the courage my father had that day.

15. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16. It was a very trying time for my family. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] I will never fully understand the depth of my mother's pain. I know other Class Members who lost a parent have struggled in life and relied on their

surviving parent for help, and also felt the pain of seeing their surviving parent go through that struggle alone.

17. I am the nominated Class Representative and a member of the class identified in the Complaint filed on March 10, 2004, as amended by the First Consolidated Complaint, dated September 30, 2005. The class is defined as:

(1) all spouses, children, parents, or siblings of any individual who died at the World Trade Center in New York, NY, the Pentagon Building in Arlington County, Virginia, or in the airliner crash in Shanksville, Pennsylvania, as the result of terrorist attacks on September 11, 2001; and (2) all legal representatives (including executors, estate administrators and trustees) entitled to bring legal action on behalf of any individual who died as the result of terrorist attacks on September 11, 2001; but excluding (3) all individuals, and all spouses, children, parents, siblings, and legal representatives of all individuals identified by the Attorney General of the United States or otherwise shown to have perpetrated, aided and abetted, conspired in regard to, or otherwise supported the terrorist attacks of September 11, 2001.<sup>2</sup>

18. In this multi-district litigation, 9/11 families are seeking to hold various defendants responsible for their role in the attacks.

19. I have been represented by Jerry S. Goldman (“Class Counsel”), since early 2004. I authorized and directed Class Counsel to prepare and file this suit and companion suits on behalf of my father’s estate, my family members, the putative class and myself.

20. Over the past sixteen years, Class Counsel has sent me litigation related documents, all of which I maintain in my home office, totaling reams and reams of paper. I am in constant communication with Class Counsel through phone calls, emails, and in-person meetings. Class Counsel, and members of his team, continuously provide me with updates on the

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<sup>2</sup> I understand the present Motion seeks to amend the class definition to limit the Class to those who do not presently have another case pending against the Defendant’s named in the above-captioned case.



status of the case in addition to explaining legal theories, detailing possible issues, and summarizing hearings so I am apprised of the litigation. I am always provided an opportunity, and when warranted, to explain my own opinions regarding the litigation to counsel. I am always provided opportunities to ask questions, and Class Counsel promptly answers my questions and has never not followed my directives.

21. When Defendants served me with interrogatories and notices of deposition, I diligently complied with their requests in close communication with my counsel. I provided responses to interrogatories, prepared for my deposition, and attended the deposition.

22. I have not yet been appointed as Class Representative. Once appointed, I will zealously take on any task or obligation given by the Court or counsel. I will continue to monitor the litigation as I do now; communicating with Class Counsel regarding hearings and developments in the case, that counsel is permitted to share. I will share my beliefs and opinions to counsel for the betterment of all class members.

23. Even before this terrible tragedy happened to my family, I had an interest in preventing terrorism and the support of criminal networks. I graduated from Towson University with degrees in political science and economics. For 22 years, I was employed by Bank of America, most recently as the director of intelligence and analytics for the money-laundering group. After leaving Bank of America, I was employed by IBM as the director of financial intelligence. Thereafter, I became the director of financial crimes for Dark Tower. Currently, I am again employed by Bank of America as an Internal Investigations Manager.

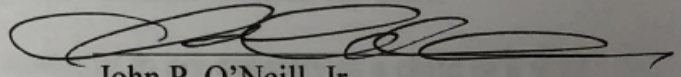
24. I have no conflicts with Class Counsel or with any Class Members. I have suffered the same injury as family members in the class and seek the same result—to hold accountable those responsible for the 9/11 terrorist attacks.

25. I am near the age my father was when he was killed on 9/11. I am also the father of two children. I know more than ever the importance of a father in a child's life. I feel now, more than ever, the willingness and vigor to prosecute this action and seek justice on behalf of those who lost a loved one on September 11, 2001.

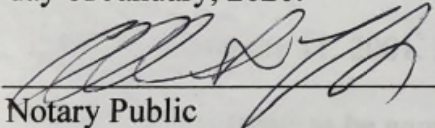
26. I miss my father every day, as I am sure the other children and personal representatives who are family members do too.<sup>3</sup>

WHEREFORE, I respectfully request I be appointed Class Representative and request that the Motion for Class Certification against the al Baraka Defendants be granted in all respects.

Dated: January 15, 2020  
Hartford, Bel Air, Maryland

  
John P. O'Neill, Jr.

Sworn to before me this 15<sup>th</sup>  
day of January, 2020.

 Allen Scott Kirschenhofer  
Notary Public

Allen Scott Kirschenhofer  
Notary Public State of Maryland  
My Commission Expires December 23, 2020

<sup>3</sup> I understand the overwhelming majority of personal representatives are immediate family members.